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October 21, 2009

VIA ECF

Hon. Lois Bloom  
Magistrate Judge  
United States District Court  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, NY 11201-1818

Re: Sembler v. Advanta Bank Corp., et al.  
File No. CV 07-2493

Dear Judge Bloom:

A draft copy of the Joint Proposed Discovery Plan ("Plan") has been filed electronically with the Court in accordance with the Federal Rules of Civil Procedure ("FRCP") Rule 26(f)(3) and with your Order dated September 29, 2009. The Plan is unsigned by counsel Defendant Sharinn & Lipshie, P.C. who was first contacted by the undersigned on October 7, 2009 to arrange a conference to discuss the substance of the Plan in accordance with FRCP, Rule 26(f)(1), and who was provided a draft copy of the Plan at that time for review.

Plaintiff's counsel also subsequently contacted and provided a draft copy of the Plan for review to another attorney who appears to be at that firm, and whose name Defendant's counsel of record provided to Plaintiff's counsel.

Plaintiff's counsel failed to receive a response to the requests that both parties arrange a conference prior to the October 21, 2009 deadline imposed by the Court for the Plan's submission. Consequently, the Plan is being submitted in draft form on behalf of Plaintiff.

I thank Your Honor for your attention and consideration.

Sincerely yours,

/s/  
Carol A. Crossett

Encl.

Cc.: Brian F. Hogencamp, Esq. (VIA ECF)  
Amanda J. Moreno, Esq. (VIA FEDEX)  
Frederick M. Sembler, Esq.